

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**JUDITH A. PHILLIPS**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE**

**Commissioner of Social Security,**

**Defendant.**

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**Civil Action No. 1:08CV43**

**CONSENT JUDGMENT**

**THIS MATTER** is before the Court on the parties' consent motion for reversal and remand pursuant to sentence four of 42 U.S.C. § 405(g), and request for entry of a judgment reversing the Commissioner's decision with a remand of the cause for further administrative proceedings.

On remand, the Commissioner will assign this matter to an Administrative Law Judge ("ALJ") who will further clarify Plaintiff's past relevant work, and re-evaluate her residual functional capacity in light of new evidence associated with a subsequent allowance on a later application. The period for consideration on remand will be limited to the period prior to January 21, 2006.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g),

**IT IS, THEREFORE, ORDERED** that the consent motion is **ALLOWED**; the Commissioner's decision is hereby **REVERSED** under sentence four of 42 U.S.C. § 405(g) and this matter **REMANDED** to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: May 5, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

